

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) NO.603 OF 2024**

Smt. Gita Rani Banik

.....**Petitioner(s)**

Versus

The State of Tripura and ors.

.....**Respondent(s)**

For the Petitioner(s) : Mr. A. Bhaumik, Advocate.

For the Respondent(s) : Mr. M. Debbarma, Addl. G.A.
Mr. N. Majumder, Advocate.

Date of hearing and delivery of
Judgment & Order : 09.01.2025

Whether fit for reporting : No.

**HON'BLE MR. JUSTICE T. AMARNATH GOUD
J U D G M E N T & O R D E R (O R A L)**

This present writ petition has been filed under
Article 226 of the Constitution of India seeking the following
reliefs:-

- "1. Issue notice upon the Respondents,**
- 2. Call for the records,**
- 3. (a) Issue Rule calling upon the Respondents to show cause as to why the last basic pay of the Petitioner shall not be determined upon deduction of the one increment extended in favour of the Petitioner vide Office Order No. 187 dated 21.11.2009 issued pursuant to clarification at point no. 3 of the Memo dated 14.09.2009 issued by the Finance Department, Govt. of Tripura as per the judgment and order dated 11.07.2019 passed in W.P (C) No. 50 of 2019 as upheld by the judgment and order dated 25.11.2022 passed in W.A No. 37 of 2020.**

AND

(b) Issue Rule calling upon the Respondents to show cause as to why the last basic pay of the Petitioner shall not be determined considering that the Petitioner has been extended with the benefit of ACP II and ACP III on 13.02.2009 and 13.02.2017 respectively.

AND

(c) Issue Rule calling upon the Respondents to show cause as to why the pensionary benefits and other retiral benefits including the 25% death cum retirement gratuity and the arrears thereof shall not be released in favour of the Petitioner upon determination of the last basic pay of the Petitioner in terms of the prayers (a) and (b) above.

AND

(d) Issue Rule calling upon the Respondents to show cause as to why the letter dated 6th December, 2022 and the Pension Payment Order bearing no. PEN-2/AGARTALA/1/1022044152/17/P/22/10/6004259 1 dated 30.01.2023 issued by the Respondent No. 5 & 6 erroneously determining the last basic pay of the Petitioner as Rs. 53,800 and releasing the pension and other retiral benefits on the said erroneous determination of last basic pay shall not be set aside and quashed.

IV. And after hearing the parties be pleased to make the rule absolute.

AND/OR

Pass any other order/orders as deemed fit and proper."

2. Mr. A. Bhaumik, learned counsel appears on behalf of the petitioner as well as Mr. M. Debbarma, learned Addl. G.A. appears for the State-respondent and Mr. N. Majumder, learned counsel appears for respondents No.5 and 6.

3. When the case is called, it is represented by both sides that the subject matter involved in this present writ petition is already covered by the Judgments of this Court dated 11.07.2019 and 25.11.2022 passed in WP(C) No. 50 of 2019 and WA No. 37 of 2020 respectively. In pursuance of the same, the respondents shall

make refixation of the pay, and, in terms of the orders, the excess amount already paid shall not be recovered. Considering the said submission, this present writ petition is accordingly disposed of as covered by Judgments of this Court passed in WP(C) No. 50 of 2019 and WA No. 37 of 2020.

In view of the same, the impugned order is set aside, and the respondents shall take steps accordingly.

4. As a sequel, stay if any stands vacated. Pending application(s), if any also stands closed.

JUDGE

suhanjit
RAJKUMAR
SUHANJIT
SINGHA

Digitally signed by
RAJKUMAR SUHANJIT
SINGHA
Date: 2025.01.10
11:12:23 +05'30'

